



Town of Loxahatchee Groves

Regular Meeting, September 20, 2011 at 7:00 p.m.

MINUTES

Loxahatchee Groves Water Control District
101 West "D" Road, Loxahatchee Groves

Frank R. Spence, Town Manager
Michael D. Cirullo, Jr. Town Attorney; Goren, Cherof, Doody & Ezrol, P.A.
Ann Harper, Town Clerk
James P. Fleischmann, Land Research Management, Inc., Town Planner

1. OPENING

- A. Call to Order/Roll Call
- B. Pledge of Allegiance
- C. Invocation

Mayor David Browning called the meeting to order at 7:25 p.m. In addition to Mayor Browning, present were Councilman Tom Goltzené, Councilman Ron Jarriel, and Councilman Jim Rockett, and Vice-Mayor Ryan Liang. Present from Staff were Frank Spence, Town Manager; Michael Cirullo, Town Attorney, and Ann Harper, Town Clerk. Following the Pledge of Allegiance, Mayor Browning delivered the Invocation.

- D. Additions and Deletions – Councilman Jarriel deleted items 9C and 9D saying that the new Town management staff should review the contracts and make recommendations. Attorney Cirullo suggested that these two contracts be extended for one month if the Contractors agree.

Motion was made by Councilman Jarriel, seconded by Councilman Goltzené, to extend the Contracts for Waste Monitoring and Code Enforcement to October 31, 2011. The motion carried by voice vote, 5/0.

Councilman Goltzené added item 9G, discussion of having a joint workshop with the Water Control Board.

Motion was made by Councilman Jarriel, seconded by Vice-Mayor Liang, to approve the Agenda as amended. The motion carried by voice vote, 5/0.

- E. Approval of Agenda

Motion was made by Vice-Mayor Liang, seconded by Councilman Rockett, to approve the agenda. The motion carried by voice vote, 5/0.

2. CONSENT AGENDA

- A. Approval of Town Council Minutes of Special Meetings September 6, 2011 and September 12, 2011
- B. Approval of Town Council Minutes of Regular Meeting August 2, 2011

Motion was made by Councilman Goltzené, seconded by Councilman Jarriel, to approve the Consent Agenda. The motion carried by voice vote, 5/0.

3. PRESENTATIONS - None
4. COMMITTEE REPORTS - None
5. PUBLIC HEARINGS – Ordinances 2nd Reading

A. **ORDINANCE 2011-012**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RESCINDING ORDINANCE 2011-001 RELATING TO THE MULTIPLE LAND USE CATEGORY IN THE THEN-EFFECTIVE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Cirullo read the title of the Ordinance and opened the Public Hearing. No one came forward to speak, and the Public Hearing was closed.

Motion was made by Vice-Mayor Liang, seconded by Councilman Jarriel, to approve the Ordinance on second and final reading. The motion carried by roll-call vote, as follows:

AYES: Councilman Goltzené, Councilman Jarriel, Councilman Rockett, Vice-Mayor Liang, and Mayor Browning.

NAYS: None.

B. **ORDINANCE 2011-013**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TOWN OF LOXAHATCHEE GROVES ADOPTED COMPREHENSIVE PLAN TO INCORPORATE THE MULTIPLE LAND USE (MLU) FUTURE LAND USE CATEGORY, INCLUDING AMENDING TABLE 1-8 OF THE FUTURE LAND USE ELEMENT AND TO CREATE POLICY 1.1.14 AND OBJECTIVE 1.15 TO THE FUTURE LAND USE ELEMENT; PROVIDING FOR AMENDMENT TO THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Cirullo read the title of the Ordinance and opened the Public Hearing. No one came forward to speak, and the Public Hearing was closed.

Motion was made by Councilman Jarriel, seconded by Vice-Mayor Liang, to approve the Ordinance on second and final reading. The motion carried by roll-call vote, as follows:

AYES: Councilman Goltzené, Councilman Jarriel, Councilman Rockett, Vice-Mayor Liang, and Mayor Browning.

NAYS: None.

C. **ORDINANCE 2011-014**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RESCINDING ORDINANCE 2011-003, WHICH RELATED TO THE LAND USE ON PROPERTY OWNED BY ERNEST G. SIMON, AS TRUSTEE OF TRUSTS "A" AND "B" U/W/O ALEXANDER ABRAHAM SIMON, REPRESENTED BY LAND DESIGN SOUTH TO ACCOMMODATE THE FUTURE DEVELOPMENT ON 97 ACRES OF LAND, LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD, LOXAHATCHEE GROVES, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Cirullo said this relates to the Simon property and rescinds Ordinance 2011-003. Mr. Fleischmann said this ordinance adds a special policy which limits the intensity of development on the site and assigns three different land use policies.

Attorney Cirullo read the title of the Ordinance and opened the Public Hearing. No one came forward to speak, and the Public Hearing was closed.

Motion was made by Councilman Rockett, seconded by Vice-Mayor Liang, to approve the Ordinance on second and final reading. The motion carried by roll-call vote, as follows:

AYES: Councilman Goltzené, Councilman Jarriel, Councilman Rockett, Vice-Mayor Liang, and Mayor Browning.

NAYS: None.

D.

ORDINANCE 2011-015

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING AN AMENDMENT TO THE TOWN OF LOXAHATCHEE GROVES ADOPTED COMPREHENSIVE PLAN, IN ACCORDANCE WITH CHAPTER 163, FLORIDA STATUTES, CONCERNING A LARGE-SCALE LAND USE PLAN AMENDMENT APPLICATION PROPOSED BY LAND DESIGN SOUTH, DESIGNATED AGENT FOR THE APPLICANT, ATLANTIC LAND INVESTMENTS, LLC, THE CONTRACT PURCHASER FOR PROPERTY OWNED BY ERNEST G. SIMON, AS TRUSTEE OF TRUSTS "A" AND "B" U/W/O ALEXANDER ABRAHAM SIMON TO CHANGE THE DESIGNATION OF THE SUBJECT USE OF LAND FROM RURAL RESIDENTIAL (1 DU PER 5 ACRES) IN THE TOWN'S ADOPTED PLAN, TO MULTIPLE LAND USE (MLU) FOR THE PURPOSE OF INCORPORATING COMMERCIAL LOW, COMMERCIAL LOW-OFFICE, AND RURAL RESIDENTIAL 5 LAND USES WITHIN A UNIFIED DEVELOPMENT CONCEPT FOR FUTURE DEVELOPMENT OF PROPERTY ON 97 ACRES LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD, LOXAHATCHEE GROVES, FLORIDA (AMENDMENT 11-1.2B); PROVIDING FOR AMENDMENT TO THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Cirullo read the title of the Ordinance and opened the Public Hearing. No one came forward to speak, and the Public Hearing was closed.

Motion was made by Councilman Rockett, seconded by Vice-Mayor Liang, to approve the Ordinance on second and final reading. The motion carried by roll-call vote, as follows:

AYES: Councilman Goltzené, Councilman Jarriel, Councilman Rockett, Vice-Mayor Liang, and Mayor Browning.

NAYS: None.

E.

ORDINANCE 2011-016

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RESCINDING ORDINANCE 2011-005, WHICH RELATED TO THE LAND USE ON PROPERTY OWNED BY SOLAR SPORTSYSTEMS, INC. AND LOXAHATCHEE EQUESTRIAN PARTNERS, LLC TO ACCOMMODATE THE FUTURE DEVELOPMENT ON 90.34 ACRES LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD, LOXAHATCHEE GROVES, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Cirullo said these two ordinances relate to the property owned by Solar Sportsystems and Loxahatchee Equestrian Partners and is located at the northeast corner of Southern Boulevard and B

Road. Mr. Fleischmann said this amendment assigns the MLU category to the map of this parcel and adds a special policy which assigns acreage maximums and development intensity maximums.

Attorney Cirullo read the title of the Ordinance and opened the Public Hearing. No one came forward to speak, and the Public Hearing was closed.

Motion was made by Councilman Jarriel, seconded by Rockett, to approve the Ordinance on second and final reading. The motion carried by roll-call vote, as follows:

AYES: Councilman Goltzené, Councilman Jarriel, Councilman Rockett, Vice-Mayor Liang, and Mayor Browning.

NAYS: None.

F. ORDINANCE 2011-017

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING AN AMENDMENT TO THE TOWN OF LOXAHATCHEE GROVES ADOPTED COMPREHENSIVE PLAN IN ACCORDANCE WITH CHAPTER 163, FLORIDA STATUTES, CONCERNING A LARGE-SCALE LAND USE PLAN AMENDMENT APPLICATION PROPOSED BY THE OWNERS OF THE PROPERTY, SOLAR SPORTSYSTEMS, INC. AND LOXAHATCHEE EQUESTRIAN PARTNERS, LLC TO CHANGE THE DESIGNATION OF THE SUBJECT USE OF LAND FROM RURAL RESIDENTIAL (1 DU PER 5 ACRES) IN THE TOWN'S ADOPTED PLAN, TO MULTIPLE LAND USE (MLU) FOR THE PURPOSE OF INCORPORATING COMMERCIAL LOW, COMMERCIAL LOW-OFFICE, AND INSTITUTIONAL LAND USES WITHIN A UNIFIED DEVELOPMENT CONCEPT FOR FUTURE DEVELOPMENT OF PROPERTY ON 90.34 ACRES LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD, LOXAHATCHEE GROVES, FLORIDA (AMENDMENT 11-1.3B); PROVIDING FOR AMENDMENT TO THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Cirullo read the title of the Ordinance and opened the Public Hearing. No one came forward to speak, and the Public Hearing was closed.

Motion was made by Vice-Mayor Liang, seconded by Councilman Jarriel, to approve the Ordinance on second and final reading. The motion carried by roll-call vote, as follows:

AYES: Councilman Goltzené, Councilman Jarriel, Councilman Rockett, Vice-Mayor Liang, and Mayor Browning.

NAYS: None.

6. ORDINANCES – 1st Reading – None

7. RESOLUTIONS - None

8. OLD BUSINESS

- A. Consideration of Award of Contract to WBI Contracting for Construction of (Town Manager) 148th Terrace N Culvert/Bridge Project in the amount of \$48,913

Mr. Spence said at the Council meeting on May 23rd, 2011, Council was advised that the only sealed bid received to construct the 148th Terrace Culvert/Bridge was received from WBI Contracting, Inc., in the amount of \$79,980. This was far in excess of the \$50,000 made available by the title company insuring the three large parcels located north of the North Canal and needing bridge access to their properties. Council authorized the Town Manager to meet with the title company's engineers to redesign and downsize the structure so that it would be less costly, and to negotiate with WBI to get their price below \$50,000. After a review of the revised

plans it was decided that the downsized structure could accommodate travel across the North Canal safely and come in at a lower price. The President of WBI, Jorge Perez, submitted a revised bid of \$48,913.19 that is acceptable. Mr. Spence recommended that the Town award the contract to construct the revised structure to WBI Contracting.

Mr. Spence said that this afternoon he received a letter from Barbara Richardson, attorney for the Title Companies. The letter is attached to these minutes.

Attorney Cirullo suggested to the Council that if they authorize this, it should be contingent upon getting the money from the insurance company before signing a contract.

Council Action

Motion was made by Councilman Goltzené, seconded by Councilman Jarriel, to have Attorney Cirullo and Attorney Richardson work on an agreement and bring it back to the Council.

Public Comments

Dr. Bill Louda said as this process moves forward and funds are expended, the Town should be reimbursed immediately.

Nina Corning said she would like the Greenways Committee to look at Attorney Richardson's letter as it regards the horse trail. Vice-Mayor Liang said the County made provisions for the horse trail years ago.

Virginia Standish said this has been going on long enough, and people need their bridge.

John Ryan said this letter is just a new tactic regarding the \$50,000 payment.

Council Action

Attorney Cirullo said he would try to have something on the next agenda for Council to consider. In addition, we should make sure WBI will hold the pricing until the agreement is signed. Mayor Browning said WBI may want funding up front. Councilman Goltzené said WBI should not be advanced any funding.

Mayor Browning called for a vote on the motion to have the Attorney look into this and report back to the Council. The motion carried by voice vote 4/1 with Vice-Mayor Liang abstaining. (Note: Conflict of Interest form attached to these minutes.)

9. NEW BUSINESS

A. Approval of Contract with Underwood Management Services Group, LLC (Town Attorney)

Attorney Cirullo said as directed by the Council, he met with Bill Underwood and Mark Kutney to negotiate the agreement. In preparing the agreement, he used the form of the current agreement with Frank R. Spence, Inc., updated with the terms of the Request for Proposals (RFP). In his memorandum in the agenda backup, he noted the topics of discussion during the meeting and the changes which resulted from the meeting.

After Council discussion, Councilman Goltzené to approve the contract subject to changes as discussed. Councilman Jarriel seconded the motion.

Public Comments

Dennis Lipp recommended that the Council follow through with a review process for the Town Manager's contract. Attorney Cirullo read the portion of the Manager's contract that provides for an annual performance review.

Doreen Baxter referred to page 93 the Town Manager's contract and suggested the Council consider whether or not the provision for 60 hours a week for Staff was sufficient .

Grace Joyce commented that the new Management is a Limited Partnership and said the Town should not pay for certification for Town Management staff.

Nina Corning also commented on the provision of 60 hours a week for Staff.

Marge Herzog said she was concerned about the limitation of 60 hours for office staff; commented that a monthly newsletter would be a big expense if it were to be printed; commented that the Management contract should have been for one year with a two-year renewal.

Dr. Bill Louda said the office workload will increase because of the work associated with the Comprehensive Plan.

John Ryan spoke about charging for services related to the Comprehensive Plan so the Town will be compensated.

Jim Burke said the Town should let the new Management team get started.

Ken Johnson said he concurs about permits and that the new Town Manager is responsible for taking care of the Town.

Grace Joyce said this is the first opportunity for citizens to comment on the new Management services, and she does not think that 60 hours a week for staff is sufficient.

Ann Parker said the new Manager should go by what he bid on.

Elise Ryan said that the zoning function was not in the Request for Proposal, so none of this is relevant.

Council Action

Attorney Cirullo reviewed the changes to the contract:

- (1) Dues and fees are at Council's direction
- (2) Clarification of termination payment
- (3) Insurance – add a clause to keep limits; if limits cannot be met, get as high as possible

Mayor Browning said he hopes that the Town residents and the Council members will not go to the Town office and micromanage and pile work on the new management contractors, because we could make it so that nobody could do the job. He has committed himself to working with the new management team.

Mayor Browning called for a vote on the motion to approve the contract as amended. The motion carried by voice vote, 5/0.

B. Consideration of Contract with Frank R. Spence, Inc. for General Consulting Services (Town Attorney)

Mr. Spence said at the last meeting the Council directed us to work as needed or as requested by the new Town management group. It is up to the Council to set the cap for the time that will be used for transitional work and assistance.

After discussion, Council consensus was to authorize Mr. Spence to work a maximum of 20 hours for a maximum of \$2,500. Attorney Cirullo said if it is determined that more transitional time is needed, it can be brought up at the October 4th Council meeting.

Motion was made by Councilman Goltzené, seconded by Vice-Mayor Liang, to approve the contract with the maximum working time of 20 hours and maximum pay of \$2,500.00.

Public Comments

John Ryan spoke about the procedures for transfer of accounting records.

Council Action

Mayor Browning called for a voice on the motion to approve the contract, which passed 5/0.

- C. Renewal of Tew & Taylor Code Enforcement Contract (Town Manager)
(Removed from agenda earlier in meeting)
- D. Discussion of Solid Waste Monitor Consulting Contract (Town Manager)
(Removed from agenda earlier in meeting)
- E. Use of meeting facilities with the Chamber of Commerce (Councilman Rockett)

Councilman Rockett said he met with the Chamber of Commerce CEO and forwarded a rental agreement to the Attorney for review. The Chamber has offered meeting rooms for committees at pre-determined dates and times for \$25.00 fee. A larger meeting room for Council, which does not have a raised dias, would cost \$100 as a flat fee with no limitation on hours. He suggested Council members look at the rooms and if Council agrees to hold meetings there, the Attorney can bring back a contract.

Councilman Goltzené said he would prefer to work out a better deal with the Water Control District. He feels the Council should stay within the government facilities of Loxahatchee Groves and not operate out of a business facility.

Councilman Jarriel said people have asked him when the Council is going to find a bigger place to meet so residents will not have to stand outside when the room is full, and the Chamber meeting room would take care of that problem.

Vice-Mayor Liang said he agreed with using the Chamber of Commerce.

Public Comments

Dr. Bill Louda said the Town should not have to pay to meet at the Water Control District. He does not agree with having meetings at the Chamber of Commerce.

Marge Herzog said the Town would have to set up for the meeting rooms and then break them down.

Dennis Lipp said the set-up at the Water Control District is better suited for the Planning & Zoning Board.

The Council took no action on this agenda item.

Discussion of having a workshop with the Water Control District (Added at beginning of meeting)

Councilman Goltzené said he would like to have a joint workshop between the Council and the Water Control District to discuss a wide range of issues, including the roads and horse trail on the opposite side of canals, and the "district" versus the "non-district" roads. It is important to have this workshop to avoid

another attempt to force the Water District to have a referendum. The public should be allowed to talk about any issue they wish to address.

After discussing possible dates for a workshop, the Council agreed to take steps to schedule a workshop with the Council members and the Water District Supervisors on Saturday, November 5th, at the school. An agenda should be presented to the Council in October and presented to the Water Control District so everyone will know what is going to be discussed.

Public Comments

Dennis Lipp said we need to talk about the Town getting a bond issue for funds to pave the roads on the November 2012 election.

Nina Corning said the Council should not such to pave all roads. B Road and E Road have not voted for OGEM.

Discussion of Conservation Easements

(Councilman Goltzené)

Councilman Goltzené said there are certain conservation easements in the Town, and they are held by the County. He instructed Attorney Cirullo to get them transferred to the Town. The list shows categories as (1) agricultural and (2) preservation dedications which are to be kept in their natural state, free of exotic vegetation. Several of the parcels are under an acre, but three or four parcels are south of Connecting Canal. These parcels amount to eleven acres of preserves. He referred to a large map on displays where these parcels are located. He suggested that the Town Management make land swaps in order to secure the property for part of the Town's park system. He requested a consensus from the Council that the ideas are good, and have the Greenways Committee consider the subject. Once the properties are in hand, some of the changes can be made. Council agreed to ask the new Town Management to take the idea to the Greenways Committee when it meets.

10. ADMINISTRATIVE UPDATE

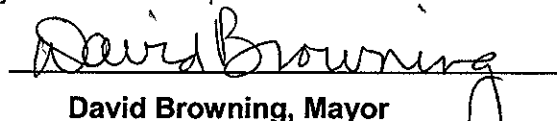
- A. October 2011 Calendar – Council meeting dates were corrected to October 4 and 18.

Mr. Spence said this is his last official meeting as Town Manager, and he has enjoyed his time here. The Town is about to enter the next phase of its existence, which will be a period of growth and expansion with commercial development, including equestrian training facilities, and the building of the college. He is optimistic on the future of Loxahatchee Groves and will be glad to help in any way he can and he will continue doing government consulting work.

11. CLOSING COMMENTS

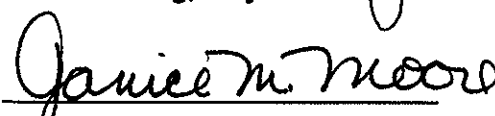
- A. Public Comments – no further comments
- B. Town Attorney Comments – no further comments
- C. Town Council Member Comments – no further comments

There being no further business or public comment to come before the Council, the meeting was adjourned at 10:50 p.m.


David Browning, Mayor

__October 4__, 2011__

Date Council Approved

Attest: 
Town Clerk